IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.15649 of 2004

Between:

P. Kodandapani, S/o Late Sri P. Anandam,
R/o State Bank Colony, I Phase, Emingnur Road, Adoni,
Kurnool District, A.P.

..... PETITIONER

AND

1 The Special Tahsildar, APSFC, 22-95, Reddy Complex,

Beside LIC Office, Near Lingampally Circle, Ramachandrapuram,

Hyderabad - 32.

2 The A.P. State Financial Corporation Ltd, Rep. by its Chairman and

Managing Director, Chirag Ali Lane, Hyderabad-1.

3 M/s SS Wools and Allied Industries Pvt. Ltd, rep. by its Managing

Director T. Viswanath, Mills & Regd. Off. Gumadidala Village,

Narsapur, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issued writ or order or directions more particularly in the nature of writ of Mandamus, by calling for records, declare the notice dt.18-8-2004 of Respondent No.1 and 2 under section 52-A of A.P. Revenue Recovery Act is illegal, arbitrary, null, void and violative of principles of natural justice, Article 14, 21 and 300 A of the Constitution of India and consequently direct the Respondent No.1 and to discharge the

petitioner of all the alleged claims.

Counsel for the Petitioner: MR.A.VGOPALA RAO

Counsel for the Respondent No.: MS.Y.N.LOHITA (SC FOR AP FINANCE CORP)

The Court made the following:

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.15649 of 2004

ORDER:

The petitioner is erstwhile technical Director of M/s.SS Wools and Allied Industries Pvt. Ltd., Gumadidala village, Narsapur, Medak District from 27.7.1990 to 17.10.1991. The said company availed term loan from Andhra Pradesh State Financial Corporation (SFC) to a tune of Rs.24,45,398/-. The company became sick. The loan was not repaid. Be that as it is, when the Special Tahsildar of first respondent addressed a communication dated 18.8.2004 to the petitioner advising him to pay a sum of Rs.5,88,39,144/- and also informing that in case of failure, SFC would invoke provisions under A.P. Revenue Recovery Act, 1864 (the Act). Apprehending said action, the present writ petition is filed.

Learned Counsel for the petitioner placed reliance on the decision of the Supreme Court in **State of Kerala v. V.R. Kalliyanikutty** and a judgment of this Court in **N.A.Radha v. State of A.P.** in support of the contention that the time barred debt of APSFC cannot be treated as “amount due” to the revenue for the purpose of invoking Section 52-A of the Act.

After hearing the learned Counsel for the petitioner and learned Standing Counsel for SFC, this Court is convinced that the writ petition is premature. The respondents have not so far invoked the provisions under Section 52-A of the Act to give any cause of action to the petitioner. The petitioner was only advised to pay the amount, which has been long pending. Unless and until further steps are taken, the petitioner cannot be said to have any redressible grievance.

Giving liberty to petitioner to avail appropriate remedies, as and when required, the writ petition is dismissed. No costs.

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(V.V.S.RAO,J)

23.06.2005

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To

1 The Special Tahsildar, APSFC, 22-95, Reddy Complex,

Beside LIC Office, Near Lingampally Circle, Ramachandrapuram,

Hyderabad - 32.

2 The Chairman and Managing Director, A.P. State Financial

Corporation Ltd, Chirag Ali Lane, Hyderabad-1.

3 Two C.D.Copies.